United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	3 PRR12A438 11	12 161206 17	18 R	19 R	20 2

Remarks

21 2012 Construction General Permit 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved
67 010 69	70 0	71 N	72 N	73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time/Date	Permit Effective Date
Christopher Columbus Landing Development Road PR-107, Km. 2.2 Borinquen Ward Aguadilla, Puerto Rico 00605	8:30 am/12-06-2016	06-02-2013
	Exit Time/Date	**Permit Expiration Date**
	11:00 am/12-06-2016	02-16-2017

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)

Héctor Torres, Caribbean Management Group, Inc., Administrative Assistant
Telephone number: (787)201-4530

Other Facility Data *(e.g., SIC NAICS, and other descriptive information)*

2012 Construction General Permit

Name, Address of Responsible Official/Title/Phone and Fax Number

Reynaldo Vincenty, President, Caribbean Management Group, Inc.,Telephone Number: (787)398-2874

Contacted ☑ Yes ☐ No

Section C: Areas Evaluated During Inspection *(Check only those areas evaluated)*

✓ Permit	✓ Self-Monitoring Program	☐ Pretreatment	☐ MS4
✓ **Records/Reports**	☐ Compliance Schedules	✓ Pollution Prevention	
✓ Facility Site Review	☐ Laboratory	✓ Storm Water	
✓ Effluent/Receiving Waters	✓ Operations & Maintenance	☐ Combined Sewer Overflow	
☐ Flow Measurement	☐ Sludge Handling/Disposal	☐ Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
BR041	NW Storm Water Construction - Failure to Maintain Records

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Jaime López, Senior Enforcement Officer	EPA/02/CEPD/MPCB/CWAT/ 787-977-5851	3-06-2017
Signature of Management Q A Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
José A. Rivera, CWAT Leader	EPA/02/CEPD/MPCB/CWAT/787-977-5842	03/17/2017

INSTRUCTIONS

Section A: National Data System Coding *(i.e., PCS)*

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. *(Use the Remarks columns to record the State permit number, if necessary.)*

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

A	Performance Audit	U	IU Inspection with Pretreatment Audit	!	Pretreatment Compliance (Oversight)
B	Compliance Biomonitoring	X	Toxics Inspection	@	Follow-up (enforcement)
C	Compliance Evaluation (non-sampling)	Z	Sludge - Biosolids	{	Storm Water-Construction-Sampling
D	Diagnostic	#	Combined Sewer Overflow-Sampling	}	Storm Water-Construction-Non-Sampling
F	Pretreatment (Follow-up)	$	Combined Sewer Overflow-Non-Sampling	:	Storm Water-Non-Construction-Sampling
G	Pretreatment (Audit)	+	Sanitary Sewer Overflow-Sampling	~	Storm Water-Non-Construction-Non-Sampling
I	Industrial User (IU) Inspection	&	Sanitary Sewer Overflow-Non-Sampling	<	Storm Water-MS4-Sampling
J	Complaints	\	CAFO-Sampling	-	Storm Water-MS4-Non-Sampling
M	Multimedia	=	CAFO-Non-Sampling	>	Storm Water-MS4-Audit
N	Spill	2	IU Sampling Inspection		
O	Compliance Evaluation (Oversight)	3	IU Non-Sampling Inspection		
P	Pretreatment Compliance Inspection	4	IU Toxics Inspection		
R	Reconnaissance	5	IU Sampling Inspection with Pretreatment		
S	Compliance Sampling	6	IU Non-Sampling Inspection with Pretreatment		
		7	IU Toxics with Pretreatment		

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

A — State (Contractor)
B — EPA (Contractor)
E — Corps of Engineers
J — Joint EPA/State Inspectors—EPA Lead
L — Local Health Department (State)
N — NEIC Inspectors
O— Other Inspectors, Federal/EPA (Specify in Remarks columns)
P— Other Inspectors, State (Specify in Remarks columns)
R — EPA Regional Inspector
S — State Inspector
T — Joint State/EPA Inspectors—State lead

Column 20: Facility Type. Use one of the codes below to describe the facility.

1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
2 — Industrial. Other than municipal, agricultural, and Federal facilities.
3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
4 — Federal. Facilities identified as Federal by the EPA Regional Office.
5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

Christopher Columbus Landing Development

Road PR-107, Km. 2.2, Borinquen Ward, Aguadilla, Puerto Rico 00605
Coordinates: Latitude 18° 17' 50" N; Longitude 65° 09' 53" W

Owner/Operator: Caribbean Management Group, Inc.
Calle Urpila 321, Urb. Villa Toledo, Arecibo, Puerto Rico 00612
Telephone Number: (787) 398-2874

2012 CGP Tracking Number PRR12A438

1. INTRODUCTION

This Supplement to the Water Compliance Inspection Report Form is prepared to include findings and observations concerning the Reconnaissance Inspection (Inspection) conducted by senior enforcement officer and physical scientist, Jaime López (EPA Inspector), of the United States Environmental Protection Agency's (EPA) Caribbean Environmental Protection Division (CEPD), at the "Christopher Columbus Landing Development" ("Project" or "Development") located in Aguadilla, Puerto Rico. The Inspection was conducted on Tuesday, December 6, 2016.

The purpose of the Inspection was to determine Caribbean Management Group, Inc.'s (CMG) compliance with Sections 301(a), 308(a), and 402(p) of the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) stormwater permit application regulations codified in 40 C.F.R. §§ 122.21, 122.26 and 122.28, and the "2012 NPDES General Permit for Discharges from Construction Activities" (2012 CGP).

Upon showing of credentials to the security guard, the Inspection subject to this Report was performed under the authority in Section 308(a) of the Federal Water Pollution Control Act (CWA or Act), as amended.

2. GENERAL INFORMATION

a. Date of Inspection – Tuesday, December 6, 2016;

b. Time of Inspection – The Inspection began approximately at 8:30 a.m. and ended approximately at 11:00 a.m.;

c. Weather – Dry weather prevailed during the Inspection;

d. CMG's Representative – Reynaldo Vincenty, President, email: rvincenty.cmg@gmail.com, Telephone Number (787) 398-2874; and Héctor Torres, Administrative Assistant and Inspection Walkthrough Participant, Telephone Number (787) 201-4530.[1]

[1] Mr. Vincenty participated in a telephone conversation during the course of the Inspection.

e. EPA's Representative – Jaime López, Senior Enforcement Officer, Telephone Number (787) 977-5851, e-mail: lopez.jaime@epa.gov.

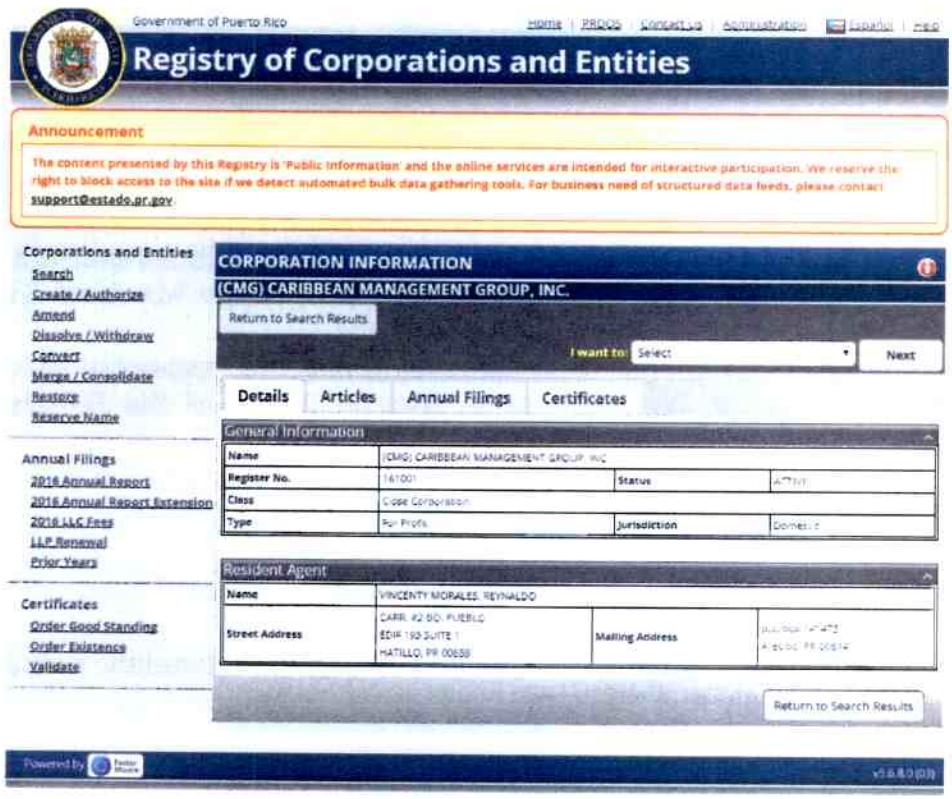
3. PRIOR HISTORY OF ENFORCEMENT AND INSPECTION ACTIVITIES

This is the first EPA inspection performed at the Project.

4. WITH RESPECT TO CMG

Caribbean Management Group, Inc. (CMG) is a domestic for-profit corporation organized under the laws of the Commonwealth of Puerto Rico. On March 20, 2006, CMG was registered in the Commonwealth of Puerto Rico Department of State under registration number 161,001. **Figure 1** shows the information about CMG found at the official Puerto Rico Department of State web site (www.estado.gobierno.pr).[2]

Figure 1



As such, CMG meets the definition of a "person" pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

[2] Source: www.estado.gobierno.pr

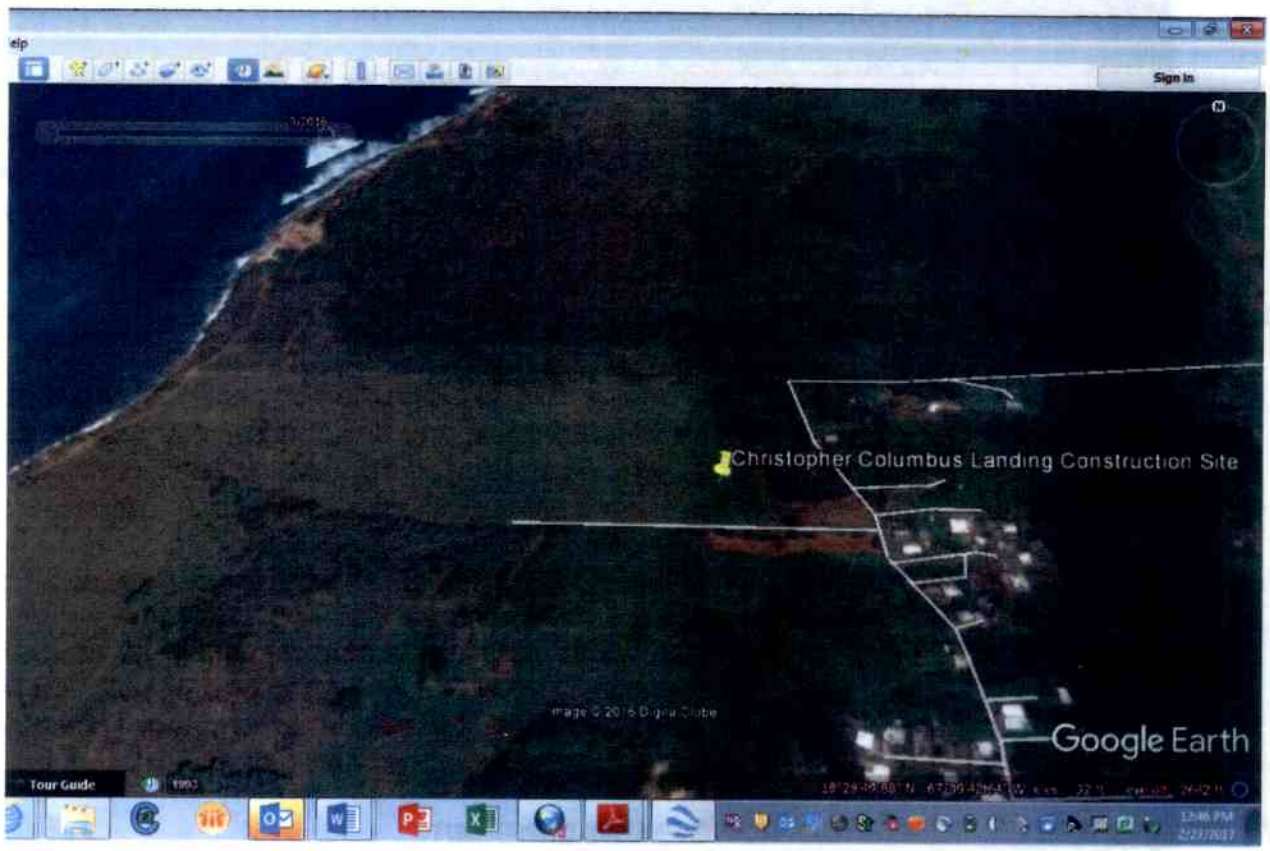
CMG's President is Mr. Reynaldo Vincenty. He can be reached at (787) 398-2874. CMG's main office is located at Calle Urpila 321, Urb. Villa Toledo, Arecibo, Puerto Rico. 00612.

5. DESCRIPTION OF THE PROJECT

CMG is the owner, developer and operator of the Development. The Development will involve, among other things, the construction of commercial buildings, residential houses, hotel buildings, and tourist attractions in 80 acres of land. The initial phase of the Project involves land disturbing of approximately 8 acres of land for the construction of the access road to the areas that will be developed in the future.

The Development is located at Road PR-107, Km. 2.2 Interior, Playuela Sector, Borinquen Ward, Aguadilla, Puerto Rico (Site). **Picture 1** below depicts the location of the Project.[3]

Picture 1



Picture 2 below depicts the watershed nearby the Development.[4]

[3] Source: Puerto Rico Planning Board GIS Application http://gis.otg.pr.gov/apps/pr_map/.
[4] Source: http://gis.otg.pr.gov/apps/pr_map/

Picture 2

The EPA Inspector observed during the walkthrough of the Project that the storm water runoff from the construction area east of the Development flows directly into an earthen swale covered with grass, which eventually discharges into the Atlantic Ocean, a navigable water of the United States.

6. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

Section 301(a) of the CWA, 33 U.S.C. § 1311(a), provides in part that "[e]xcept as in compliance with [CWA's § 402], the discharge of any pollutant by any person shall be unlawful." Section 402(p)(2)(B) of the CWA authorizes the Administrator of EPA to issue NPDES permits to storm water discharges associated with industrial activity.

EPA promulgated NPDES regulations defining the term storm water associated with industrial activity. Those regulations are codified in 40 C.F.R. § 122.26(b). Storm water discharges from construction sites were included in the definition of storm water discharges associated with industrial activity in 40 C.F.R. § 122.26(b)(14)(x). The Project is covered by the SW Regulation for construction sites because the clearing, grading and excavation activities at the Development are equal or greater than 5 acres.

7. 2012 NPDES CONSTRUCTION GENERAL PERMIT

Permit Coverage

On February 16, 2012, EPA issued and published the 2012 CGP in the Federal Register (77 Fed. Reg. 12,286). The 2012 CGP became effective on February 16, 2012 and

expired on February 16, 2017.[5]

Part 1.1 of the CGP defines the term operator of a construction project for which discharges will be covered under the 2012 CGP, as any party associated with a construction project that meets either of the following two criteria: (1) the party has operational control over construction plans and specifications including the ability to make modifications to those plans and specifications; or (2) the party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the CGP conditions.

Based on the definition of operator above, CMG is an operator of the Project because CMG has control over construction plans and specifications, and day-to-day operational control of the activities to ensure compliance with the 2012 CGP. Further, CMG is responsible for overseeing actual earth disturbing activities and daily implementation of a Storm Water Pollution Prevention Plan (SWPPP), and other permit conditions (e.g., inspections) at the Project.

Part 1.4 of the CGP indicates that the operator seeking coverage under the CGP must submit to EPA a complete and accurate Notice of Intent (NOI) prior to commencing construction activities. Parts 1.4 and 7.1.1 of the CGP indicate that the operator must complete the development of a SWPPP consistent with Part 7 of the CGP prior to submitting the NOI for coverage under the CGP.

Based on Part 1.4.2 and Table 1 of the CGP, the operator is considered covered under the 2012 CGP fourteen (14) calendar days after EPA has acknowledged receipt of the electronic NOI on EPA's website, unless EPA notifies the operator that the authorization has been delayed or denied. Table 1 of the CGP indicates that discharges are not authorized if the NOI is incomplete or inaccurate.

Permit Applications and Notifications

On November 15, 2016, the EPA Inspector reviewed the EPA NOI Processing Center Database.[6] The EPA Inspector found that a company named Caribbean Management Group filed an electronic NOI for coverage under the 2012 CGP on May 19, 2013. EPA granted 2012 CGP coverage on June 2, 2013. The permit tracking number assigned for the Project was PRR12A438. The EPA Inspector did not find a Notice of Termination filed for the Project in his review of the EPA NOI Processing Center Database.

Figure 2 depicts information about the NOI submitted by CMG for the Project, which is found at the EPA NOI Processing Center database.

[5] The NPDES General Permit for Discharges from Construction Activities was re-issued on January 11, 2017 (2017 CGP). The 2017 CGP became effective on February 16, 2017, and expires on February 16, 2022.
[6] The EPA NOI Processing Center database is found at http://ofmpub.epa.gov/CGPSearch.

Figure 2

EPA

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2012 Construction General Permit eNOI Detail

Quick Jump to Other Permits

Details for PRR12A438

General Information

Project : Site Name: Christopher Columbus Landing
Current Status: Active
Tracking Number: PRR12A438
Permit Type: NOI

Interview Page Answers

Is your project site located in Indian Country Lands? No
Are you requesting coverage under this NOI as a 'federal operator' as defined in Appendix A? No

Operator Information

Operator's Name: Caribbean Management Group
Street: Carretera #2 Km. 86.4
City: Hatillo
State: Pacific Islands
Zip Code: 00659
Point of Contact Name: Reinaldo Vincenty
Phone Number: 787-398-2874
Operator Email: rvincenty.02@gmail.com
Fax: N. A.
IRS Employer Identification Number (EIN): 660673031

Project / Facility Information

Project : Site Name: Christopher Columbus Landing
Street: Carretera 107 Km. 2.2 Interior
City: Aguadilla
State: Puerto Rico
Zip Code: 00603
Project : Facility on Indian Land? No
Reservation Name: N. A.

The EPA Inspector reviewed the NOI submitted by CMG, and found that:

a. the estimated Project start date was October 29, 2013;

b. the estimated Project end date was October 29, 2014;

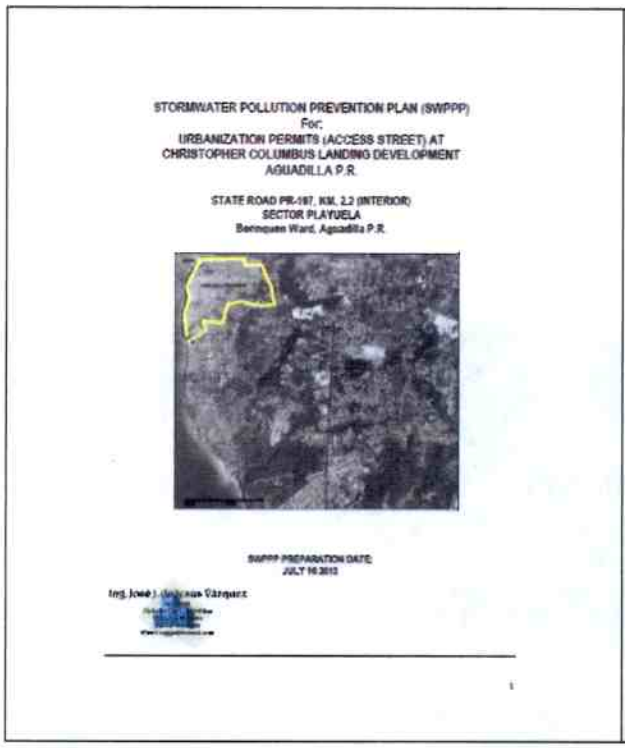
c. that the estimated area of the Project to be disturbed was 5 acres of land; and

d. a determination that the NOI was complete and accurate could not be made until EPA obtains and reviews supporting documentation to satisfy the Endangered Species Act ("ESA") and Historic Preservation requirements of the 2012 CGP.

Development and Implementation of a SWPPP

Part 7.1.1 of the CGP requires the operator of the Project to develop a SWPPP prior to the submittal of the NOI. During the EPA Inspector's records review conducted on December 7, 2016 at CEPD Office, the EPA Inspector found that a SWPPP for the Project was prepared and signed on July 16, 2016. **Figure 3** depicts the cover page of the SWPPP prepared for the Project. **Figure 4** depicts the signatory page of the SWPPP prepared for the Project.

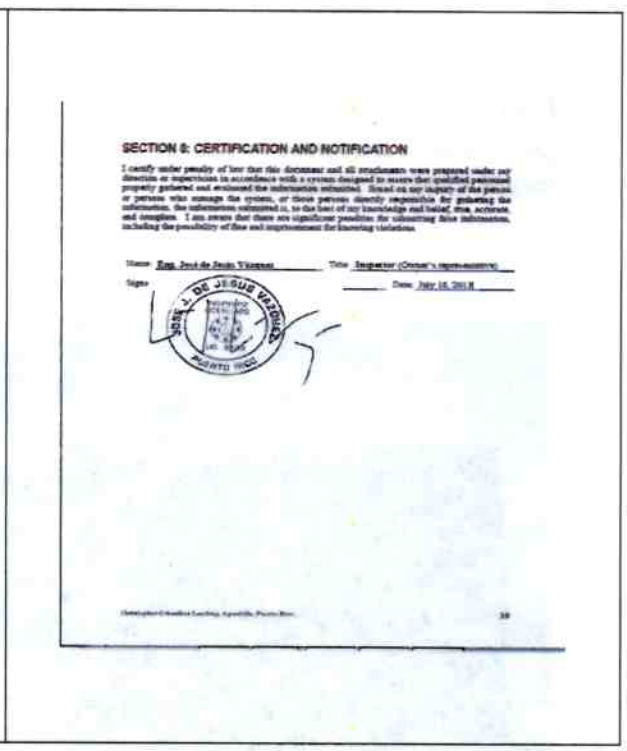
Figure 3


STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
For:
URBANIZATION PERMITS (ACCESS STREET) AT
CHRISTOPHER COLUMBUS LANDING DEVELOPMENT
AGUADILLA P.R.

STATE ROAD PR-107, KM. 2.2 (INTERIOR)
SECTOR PLAYUELA
Borinquen Ward, Aguadilla P.R.

SWPPP PREPARATION DATE
JULY 16 2012

Figure 4


SECTION 8: CERTIFICATION AND NOTIFICATION

8. PROJECT WALKTHROUGH, REVIEW OF RECORDS AND OTHER FINDINGS

The Inspection commenced with an entry meeting where the representatives from EPA and CMG met to discuss matters related to 2012 CGP, the Site, on-going construction activities, erosion and sediment controls, inspections and records.

Project Walkthrough

After the entry meeting was completed, the EPA Inspector proceeded with the walkthrough of the Project. Among others, the EPA Inspector found the following:

a. construction and earth disturbing activities were not observed at the Site during the Inspection walkthrough;

b. an area located at the Project's entrance that was previously cleared was observed with vegetation regrowth and natural soil stabilization, as required in Part 2.2 of the 2012 CGP (see Attachment 1, Photo Log, Pictures 3 and 8);

c. a sign or other notice was not posted at the Site, as required in Part 1.5 of the 2012 CGP;

d. a silt fence was erected on the south side of the access road (see Attachment 1, Photo Log, Pictures 2 and 7); and

e. track out sediment controls were not observed at the Project's entrance (see Attachment 1, Photo Log, Picture 9).

Picture 3 depicts the Project's entrance and signage related to Project's local permitting, permanent vegetation covering the areas near the entrance of the Project, and the silt fence control measure.

Picture 3

Concerning the site inspections and documentation requirements in Part 4 of the 2012 CGP, the EPA Inspector found that documentation concerning site inspections or corrective actions was not available at the Development at the time of the Inspection.

The Inspector included other observations and the Inspection photo-documentation in **Attachment 1** of this Report. The EPA Inspector used a Nikon Camera (Model Coolpix P530, Series 30059740) to take photographs and document his observations during the walkthrough of the Project.

9. EXIT MEETING

The Inspection ended with an exit meeting in which the EPA Inspector informed Mr. Vincenty during a telephone conversation that he needed to provide copy of the SWPPP and implement BMPs as soon as the construction activities are reinitiated.

The EPA Inspector requested a meeting with Mr. Vincenty to discuss the construction phases of the Development, and to schedule a record review concerning the documentation related to the SWPPP developed for the Project.

10. POST INSPECTION INFORMATION GATHERING AND RECORDS REVIEW

The EPA Inspector received and reviewed documents and information (i.e. SWPPP) on February 7, 2017. The following provides the EPA Inspector's comments on his review of the documents obtained after the Inspection:

a. the SWPPP prepared for the Project did not include the Endangered Species Act and Historic Preservation supporting documentation needed to determine the accuracy and completeness of the NOI that CMG filed for the Project;[7]

b. the dates for initiating and completing stabilization after earth-disturbing activities have permanently or temporarily ceased on any portion of the Development were not included in the SWPPP, as required by Parts 2.2.1 and 7.2.5 of the 2012 CGP; and

c. the timeline of construction activities in the SWPPP needs to be updated to reflect actual dates of construction activities, implementation of BMPs, and temporary and final stabilization of the areas in which soils were disturbed during construction activities.

[7] See SWPPP's requirements in Part 7.2.14 of the 2012 CGP.

11. POST INSPECTION MEETING WITH CMG REPRESENTATIVE

On March 1, 2017, the EPA Inspector met with engineer José de Jesús, CMG's Project Manager, at the CEPD Office. Mr. De Jesús stated during the meeting that CMG has commenced and ceased construction activities at the Development on two occasions. The first occasion was on September 1, 2016 through November 28, 2016, and the second occasion was on February 12 through February 23, 2017.

End of report

Prepared by: _____ 3/06/17

Jaime López
Senior Enforcement Officer
U.S. Environmental Protection Agency, Region 2

Date

Attachment 1: Photo-Documentation

ATTACHMENT 1

PHOTO-DOCUMENTATION

Picture # 1
Panoramic view east to west from project entrance

Picture # 2
Access road with silt fence isntalled

Picture # 3
Previously cleared area with vegetation regrowth as stabilization measure

Picture # 4
Property west border fence line looking towars the Atlantic Ocean vegetative buffer observed

Picture # 5
Receiving body of water, the Atlantic Ocean

Picture # 6
Construction heavy machinery

Picture # 7
View of cleared area with silt fence along the perimeter

Picture # 8
View of cleared area nad road construction from entrance

Picture # 9
View of the project entrance without sediment track off control